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| 10/697,030 | 10/31/2003 | Tetsuya Kondo | 0505-1253P | 1096 |
| 2292 | 7590 | 06/17/2005 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | CARIASO, ALAN B | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2875 | |
| DATE MAILED: 06/17/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,030

Applicant(s)

KONDO ET AL.

Examiner

Alan Cariaso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-15, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 12, 16, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20050413, 20040402.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claims 2 and 12 are objected to because of the following informalities: Claims 2 and 12 both recite "said constricted portion", which has not identified which part defines the constricted portion. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by KANO et al (DE 19649602).
5. KANO discloses a headlamp assembly for a vehicle comprising: a reflector (19, fig.4) having a reflecting surface; a lens (21, fig.5) provided on a front side of said reflector (19); a case (15, fig.5) disposed so as to enclose a rear portion of said reflector (19) and supporting the reflector (19); a blindfold member (46, figs.4 & 6) is provided to fill a gap (figs.4 & 6) which is formed between said case (15) and said reflector (19)

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when view from the front side (figs.4 & 6); a reflecting surface (46) is formed on a front side of said blindfold member (46) at an angle (fig.6) which appears capable of conducting light from below forward of the vehicle; wherein said blindfold member (46) is integral with a front edge (fig.6) of said reflector (19); wherein said blindfold member (46) is an uneven surface (fig.6) formed from a plurality of downwardly inclined surfaces (fig.6).

6. Claims 3 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by HITOSHI (JP 2000322923 A).

7. HITOSHI discloses a headlamp assembly for a vehicle comprising: an electric bulb (fig.1); a reflector (38) having a reflecting surface; a lens (31) provided on a front side of said reflector (38); a case (29,30) disposed so as to enclose a rear portion (fig.8) of said reflector (38) and supporting the reflector (38); a blindfold member (39,39a,39b, figs.1 and 5) is provided to fill a gap (fig.1) which is formed between said case (30) and said reflector (38) when view from the front side (fig.1); said blindfold member (39) has surface (fig.5) which is formed at such an angle so as to project an inner surface (30, fig.5) of said case (30) forwards of the vehicle when viewed from the front side (fig.1).

8. Claims 3, 7, 11, 13, 15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by HALVORSON, Jr. (US 1,394,896).

9. HALVORSON discloses a headlamp assembly for a vehicle comprising: an electric bulb (22, fig.3); a reflector (13, figs.1-3) having a reflecting surface; a lens (fig.3)

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provided on a front side of said reflector (13); a case (10) disposed so as to enclose a rear portion of said reflector (13) and supporting the reflector (13); a blindfold member (12) is provided to fill a gap (fig.1) which is formed between said case (10) and said reflector (13) when view from the front side (fig.1); a reflecting surface (12) formed on a front side of said blindfold member (12) at an angle (fig.1) which is set so as to conduct light (rays 31,32) from below forward of the vehicle; said blindfold member (12) has surface which is formed at such an angle (fig.1) so as to project an inner surface (10) of said case (10) forwards of the vehicle when viewed from the front side (fig.1); wherein said blindfold member (12) is integral with a front edge of said reflector (13).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over KANO et al (DE 19649602) in view of PUENTE et al (GB 2,254,686).

12. KANO discloses the claimed invention including two said electric bulbs (16,17) arranged vertically side by side (fig.4) and said reflector (19) has two reflecting surfaces (19a,19b) that as best illustrated (fig.4) are constricted at a connection (19c) where they are adjacent to each other. However KANO does not disclose said blindfold member being disposed in a gap between said constricted portion and said case.

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13. PUENTE teaches an embellishing element (24) at a constricted connection (figs.1-3) between two reflecting surfaces (pg.3, last paragraph), the embellishing element (24) having a lateral extension (pg.4, 2nd paragraph) integral with reflector for the purpose of filling any gaps or making dark-ugly zone not visible (pg.3) giving a homogeneous appearance of the two reflectors with respect to the headlamp housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the headlamp assembly of KANO et al to include the type of laterally extending embellishing element between the adjacent reflectors as taught in PUENTE et al in order to dark gaps invisible and produce a homogeneous appearance of both reflectors with respect to the headlamp housing.

14. Claims 4, 8, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over HALVORSON Jr. (1,394,896) in view of SUZUKI (US 5,113,321).

15. HALVORSON discloses the claimed invention except the inner surface of said base being black in color. SUZUKI teaches the inner surface of the lamp body (10) to be black or dark colored (col.3, lines 13-21) for the purpose of absorbing stray light producing a tranquil headlight appearance (col.3, lines 5-54).

16. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the headlamp assembly of HALVORSON Jr. to include the type of black inner surface of the lamp body as taught by SUZUKI in order to produce a tranquil appearance from the front view by absorbing stray light from the headlamp.

Allowable Subject Matter

17. Claims 12, 16, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. KAUFMANN (US 1,412,470) and BOOT (US 1,751,070) show other headlamp reflectors with corrugated or stepped peripheral flanges filling the gap between reflectors and housings. KAWAI et al (US 5,525,856) shows a second peripheral reflector (9) coaxial with main reflector (8) enclosed in a housing (6) and partially filling the gap as viewed from front (fig.4), the second reflector directing light from above and below forward the vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan Cariaso
Primary Examiner
Art Unit 2875

June 13, 2005
AC